

OLC: 78-5402/b

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CENTRAL INTELLIGENCE AGENCY

Office of Legislative Counsel
Washington, D. C. 20505

Telephone: [redacted]

13 October 1978

TO: Mr. Bob Kimmet
National Security Council
Telephone: [redacted]

Bob:

Here is a copy of our reply to
Senator McGovern's 3 October letter, *(78-5402/b)*
along with a copy of our Memorandum
of Understanding with the Subcommittee.

[redacted]
Assistant Legislative Counsel
[redacted]

STAT

MEMORANDUM OF UNDERSTANDING
BETWEEN THE DIRECTOR OF CENTRAL INTELLIGENCE
AND THE SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

1. The Director of Central Intelligence (DCI) and the Chairman of the Subcommittee on International Operations of the Senate Foreign Relations Committee are prepared to cooperate fully in the investigation which is to be conducted by the Subcommittee on International Operations (Subcommittee).

2. The DCI will provide access to classified information relevant to the Subcommittee's mandate, to an extent consistent with his responsibility to protect intelligence sources and methods. Such information will be appropriately sanitized, including excising if necessary, to assure the protection of intelligence sources and methods.

3. All Subcommittee requests for information will be in writing. In the interest of timely response, preliminary telephone or other oral requests will be accepted, but no information can be made available until a written request is received by the Central Intelligence Agency (CIA). The CIA element which the Director has designated to conduct liaison with the Subcommittee is the Office of Legislative Counsel. Requests from the Subcommittee staff will be directed to this Office exclusively.

4. Access by Subcommittee personnel to any material which has been designated for protection from unauthorized disclosure by the Director of Central Intelligence will be granted only on the basis of a security clearance which meets standards set by the DCI. Prior to being granted such access, each of the designated Subcommittee employees will execute a nondisclosure agreement which is acceptable to both the Chairman and the DCI, and a copy of the agreement will be made available to the DCI.

5. Documentary materials to which access is granted will normally be reviewed on CIA premises. Requests for the temporary removal of documents or materials will be considered on a case-by-case basis. If approval is granted to remove materials from CIA premises, such materials must be returned at the close of the work day on which they are made available. Arrangements must be made for CIA couriers to deliver the materials to the Subcommittee and return them each evening.

6. Notes taken by Subcommittee personnel are subject to review and sanitization. Sanitized notes may be stored at a location designated by the Subcommittee, during the investigation, provided the storage facility is approved by the DCI.

7. Security personnel of the Senate Foreign Relations Committee will ensure proper protection and control of all materials which have been designated by the DCI for protection from unauthorized disclosure, while such materials are in the custody of the Subcommittee.

8. At the close of the investigation, any documentary material made available by the DCI which may still be in the custody of the Subcommittee will be returned to the DCI. Notes and other materials generated by the Subcommittee will be held in storage in the Office of Classified National Security Information of the Congress.


9. Interviews with current CIA employees, including the taking of sworn statements, will be conducted on CIA premises, or at other locations as the DCI may authorize. A copy of any transcript of these interviews will be made available to the DCI.

10. In view of the fact that certain ex-employees would be placed in jeopardy by sudden and unexpected disclosure of their past affiliation with the CIA, the Subcommittee will, except in extraordinary circumstances, give the DCI an opportunity to advise it concerning the circumstances of each ex-employee the Subcommittee may wish to interview, before contacting the ex-employee. The DCI's representative will make a good faith effort to locate and notify ex-employees of the CIA who may become involved in the Committee's investigation.

11. The Subcommittee will notify the DCI in writing of its desire to disclose, in any manner, any information that is designated by the DCI for protection from unauthorized disclosure. Such notification will be provided both for disclosures which would constitute an official Subcommittee action, and those which are contemplated pursuant to the nondisclosure agreement which is to be executed by the staff personnel who are to be granted access to such information. If within ten working days the Subcommittee does not receive a letter from the DCI objecting to the proposed disclosure and stating the reasons for the objection, the Subcommittee may disclose the information.

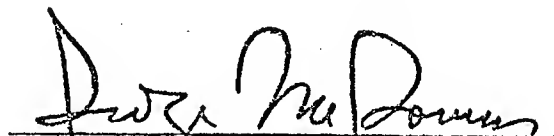
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If the DCI gives the Subcommittee written notification of his objection within ten working days, the DCI and the Chairman will each appoint one representative to meet and attempt to resolve the issues concerning disclosure. Any remaining issues concerning disclosure which cannot be resolved by these representatives must be resolved by the DCI and the Chairman, who will attempt in good faith to resolve these issues, during which time no public disclosure shall be made.


Director of Central Intelligence

1 December 1977

Date


Chairman, Subcommittee on International Operations

12-6-77

Date